

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JEAN M. WRIGHT)	APPEAL NO. 06-A-2444
from the decision of the Board of Equalization of Boise)	FINAL DECISION
County for tax year 2006.)	AND ORDER

RURAL RESIDENTIAL PROPERTY APPEAL

THIS MATTER was heard on the written record created. Board Members Lyle R. Cobbs and David Kinghorn participated in this decision. The parties completed their written submissions by November 15, 2006. This appeal is taken from a decision of the Boise County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP035020010080A.

The issue on appeal is the market value of a rural residential property, specifically the value attributable to the land.

The decision of the Boise County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$51,700, and the improvements' valuation is \$19,640, totaling \$71,340. Appellant requests the land value be reduced to \$35,000, and the improvements remain at \$19,640, totaling \$54,640.

Subject is 0.45 acres of river front property with a septic system, and private well.

Appellant presented her personal opinion regarding the general market place. Appellant suggested the market appraisal process is flawed and maintained that "The South Fork of the Payette River valley from Grandjean to lower Lowman is unique, even among the mountain areas, and challenged that the area should not be compared with other areas to determine a value."

Appellant detailed other views on market value, with inferences to historical data and

the turnover of commercial property in the Lowman area. Appellant requests the assessed value of subject land be reduced to \$35,000.

Respondent explained “The 2006 value set for all **River** lots in the Lowman area, regardless of size and shape was \$46,700.” Respondent also reported that all “good” lots (one step down from “river” lots) in the Lowman area were assessed at \$27,000 and that all “average” lots were assessed at \$16,000.

The Assessor maintained only the Lowman area was used to compare sales and the following three sales were used to arrive at river front values in subject area:

- August ‘02 - .61 acres for \$50,000
- October ‘03 - .31 acres for \$50,000
- June ‘05 - .63 acres for \$40,000

Respondent noted the median sale price was \$50,000, the average was \$46,667. Subject land was assessed for \$46,700. Subject was assessed an additional \$5,000 for a septic system and private well, which was noted to be the standard contributory value added for these amenities.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The County explained how the assessed value was determined. It was based on local sales available, even though some were quite dated. Respondent demonstrated that river front lots in the area were assessed uniformly.

Market value is largely a factual issue. *Merris v. Ada County*, 100 Idaho 59, 593 P.2d 394 (1979). The State Constitution places an assumption of correctness on the tax assessment which must be overcome by a preponderance of the evidence. Idaho Code § 63-511(4). “A ‘preponderance of evidence’ is evidence that, when weighed with that opposed to it, has more convincing force and from which results a greater probability of truth.” *Harris v. Electrical Wholesale*, 141 Idaho 1, 3; 105 P.3d 267, 269 (2004).

The County looked to available sales to determine subject’s market value. Appellant did not submit any appraisals, comparable sales, or other market documentation or analysis for the Board to consider. Appellant has not demonstrated by a preponderance of evidence that the relief claimed is warranted. Therefore this Board will affirm the decision of the Boise County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Boise County Board of Equalization concerning the subject parcel be, and the same

hereby is, affirmed.

DATED this 8th day of March , 2007.